

In the Matter of City of Camden Redevelopment Agency
DOP Docket No. 2006-2656
(Merit System Board, decided April 5, 2006)

The Division of Human Resource Management (HRM) requests that the Merit System Board (Board) order the City of Camden Redevelopment Agency (Redevelopment Agency) to comply with the provisions of Title 11A of the New Jersey Statutes ("Civil Service Act.")

By way of background, the City of Camden established the Redevelopment Agency by ordinance on August 13, 1987, pursuant to *N.J.S.A. 40:55C-1, et seq.* (repealed 1992). The Redevelopment Agency continued in existence, pursuant to *N.J.S.A. 40A:12A-1, et seq.* In 2004, HRM discovered that the Redevelopment Agency employed several individuals of whom the Department of Personnel (DOP) had no record. Thus, HRM sought the Redevelopment Agency's cooperation in ensuring that its records matched that of the DOP. In response, the Redevelopment Agency, represented by Dennis G. Kille, Esq., indicated that cooperation would not be forthcoming, as the Redevelopment Agency believed it was not subject to Title 11A of the New Jersey Statutes. The Redevelopment Agency asserted that it was an autonomous entity, and it had not opted to become a part of the Merit System.

Thereafter, HRM advised the Redevelopment Agency that, contrary to its position, *N.J.S.A. 40A:12A-12* provides, in pertinent part that "[i]f the municipality which established the redevelopment agency has adopted the provisions of Title 11A of the New Jersey Statutes, the executive director shall be in the unclassified service of the civil service, and all other employees shall be in the classified [now, career] service of the civil service." HRM noted that, since the City of Camden had opted to adopt the provisions of the Civil Service Act, *N.J.S.A. 40A:12A-12* mandated the Redevelopment Agency's compliance with Merit System law and regulations. HRM again sought the Redevelopment Agency's cooperation in reconciling records.

The Redevelopment Agency took no steps to effectuate compliance with the Civil Service Act. Thus, HRM referred this matter to the Board for an order directing the Redevelopment Agency to comply with the provisions of Merit System law and regulations. Despite being provided an opportunity to present its position, the Redevelopment Agency did not submit any further arguments or documentation for the Board's review.

CONCLUSION

N.J.A.C. 4A:10-1.1(f) provides that appointing authorities shall timely supply all information, documents and other materials requested by the DOP for the purpose of efficiently and accurately administering the merit system. The Board is specifically given the power to assess compliance costs and fines against an appointing authority, including all administrative costs and charges, as well as fines of not more than \$10,000, for noncompliance or violation of Merit System laws or rules or any order of the Board or Commissioner. *N.J.S.A.* 11A:10-3; *N.J.A.C.* 4A:10-2.1(a)2.

In the instant matter, the Redevelopment Agency has failed to comply with a lawful request from the DOP. Specifically, although presented with the clear and unambiguous statutory language of *N.J.S.A.* 40A:12A-12, subjecting it to the provisions of Title 11A, the Redevelopment Agency continues to willfully disregard the jurisdiction of the DOP and the DOP's constitutional and statutory mandate to ensure that appointments and promotions are based on merit and fitness. *See N.J.S.A.* 11A:1-2(a).

The Board is specifically given the power to assess compliance costs and fines against an appointing authority, including all administrative costs and charges, as well as fines of not more than \$10,000, for noncompliance or violation of Merit System laws or rules or any order of the Board or Commissioner. *N.J.S.A.* 11A:10-3; *N.J.A.C.* 4A:10-2.1(a)2. *See In the Matter of Fiscal Analyst (M1351H)*, Newark, Docket No. A-4347-87T3 (App. Div. 1989). Therefore, the Redevelopment Agency's intentional disregard of repeated requests for information regarding its personnel cannot be tolerated. Thus, the Board orders that it be assessed a fine of \$1,000 for its non-compliance with Merit System law and regulations to date. The Redevelopment Agency is further ordered to submit to HRM, within 10 days of issuance of this decision, a complete listing of all current employees of the Redevelopment Agency and their respective titles. This action is necessary in order that the appointments of these employees can be recorded and examination procedures, if necessary, can be promptly initiated. In the event that the Redevelopment Agency fails to make a good faith effort to supply this information within the prescribed time frame, the Redevelopment Agency will be fined an additional \$100 per day beginning on the 11th day after issuance of this decision, up to \$10,000. The Redevelopment Agency is further ordered to timely provide any additional information and/or documentation required by HRM to bring the Redevelopment Agency into compliance with the Civil Service Act. Failure to do so may result in additional assessments of costs and fines.

ORDER

Therefore, the Board orders that the City of Camden's Redevelopment Agency take steps to immediately effectuate compliance with Title 11A of the New Jersey Statutes.

It is further ordered that the Redevelopment Agency be assessed a fine of \$1000 for its willful disregard of Merit System law and regulations to date. Further, the Board orders the Redevelopment Agency to submit a complete listing of all current employees of the Redevelopment Agency and their respective titles within 10 days of issuance of this decision. In the event that the Redevelopment Agency fails to make a good faith effort to supply this information within the prescribed time frame, the Board orders a fine of \$100 per day, for each day of continued noncompliance, up to a maximum of \$10,000. Finally, it is ordered that the Redevelopment Agency timely comply with any further instructions from the Division of Human Resource Management in relation to this matter.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.